

1 Lynn Awkward
2 80 W. Passaic Ave
3 Bloomfield, NJ 07003

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEW JERSEY
9

10 LYNN AWKWARD,

No. 2:19-12371-SDW-LDW

11 Plaintiff,

12 vs.

Hearing date: January 30, 2020

13 STATE OF NEW JERSEY and
14 DAVID P. CARROLL,

15 Defendants.
16

REASON CONTRARY TO DISMISSAL

17
18 COMES NOW Plaintiff Lynn Awkward and requests the Court to not dismiss for
19 failure to prosecute.

20 On June 11, 2019 this Court granted Plaintiff leave to amend the complaint.

21 On June 24, 2019 Plaintiff filed the amended complaint.

22 On June 24, 2019 Defendants were properly served with the amended
23 complaint.
24

25 On September 3, 2019 Plaintiff requested that the clerk enter default against the
26 Defendants for failing to file an answer or otherwise plead to the amended complaint.

27 On September 5, 2019 the clerk advised Plaintiff that the case is dismissed.
28

1 It is Plaintiff's contention that the Court granted leave, the Defendants failed to
2 plead, and therefore the case is not dismissed as there is no Court decision to that
3 effect.

4 Plaintiff hereby requests that this Court clarify the record, act on the Request for
5 Default, and not dismiss for failure to prosecute. Plaintiff is waiting on the Court's ruling
6 and response.

7
8 Respectfully submitted this 27 day of January 2020.

9
10 
Lynn Awkward, Plaintiff

11
12 State of New Jersey
13 County of Essex
Sworn and subscribed before me
this 27th day of January, 2020.

14 
Notary Public

15 Christopher S Newkirk
16 Notary Public of New Jersey
Commission Expires 4/12/2023
ID Number: 2432585